

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
BIRMINGHAM DIVISION**

FRANCINE HILL,)
)
Plaintiff,) No.
)
v.)
)
BUREAU OF COLLECTION RECOVERY)
)
Defendant.)

PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL

FRANCINE HILL (Plaintiff), through attorneys, KROHN & MOSS, LTD., alleges the following against BUREAU OF COLLECTION RECOVERY (Defendant):

INTRODUCTION

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this Court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."

3. Defendant conducts business in the state of Alabama; therefore, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

PARTIES

5. Plaintiff is a natural person residing in Fort Payne, DeKalb County, Alabama.

6. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3), and according

to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5).

7. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6), and sought to collect a consumer debt from Plaintiff.

8. Plaintiff is informed and believes, and thereon alleges, that Defendant is a collections business with an office in Horsham, Pennsylvania.

9. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

10. Defendant constantly and continuously places collection calls to Plaintiff seeking and attempting to collect on an alleged debt. Upon information and belief, the alleged debt is originally owed to First Premier Bank and Defendant is trying to collect approximately \$416.00 from Plaintiff.

11. Defendant calls Plaintiff multiple times a day, every day, since the middle of May 2011.

12. Defendant calls Plaintiff on her home phone, 256-844-4958, and her cell phone, 256-328-5837.

13. Defendant calls Plaintiff from a multitude of numbers including: 256 -781-4083, 800-831-7311, 915-440-0036, 618-368-1698, 202-607-2732 and 202-607-2733.

14. As early as May 2011, when the calls began, Plaintiff has repeatedly requested that Defendant stop calling her and for a written statement of the debt from Defendant

15. Despite Defendant's claim that a statement was sent to Plaintiff, as of August 1, 2011, no statement has been received by Plaintiff.

16. Plaintiff informed Defendant that she could not currently pay on the debt due to financial hardship.

17. Despite knowledge of Plaintiff's financial situation and her requests for the calls to stop, Defendant continues to call Plaintiff.

18. Defendant has hung up on Plaintiff when she has tried to explain her hardship to Defendant and when Plaintiff requests a written statement to be sent to her.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

19. Defendant violated the FDCPA based on, but not limited to, the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt;
- b. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person called at that number;

WHEREFORE, Plaintiff, FRANCINE HILL, respectfully requests judgment be entered against Defendant, BUREAU OF COLLECTION RECOVERY, for the following:

20. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k;

21. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k; and

22. Any other relief that this Court deems appropriate.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE, Plaintiff, FRANCINE HILL, hereby demands a jury trial in this cause of action.

RESPECTFULLY SUBMITTED,

By: /s/ Brandon M. Walker
Brandon M. Walker
KROHN & MOSS, LTD.
242 W. Valley Ave., Suite 312
Birmingham, AL 35209
(205) 417-2541
Attorney for Plaintiff

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF ALABAMA)
)
) SS:
COUNTY OF _____)

Plaintiff, FRANCINE HILL, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, FRANCINE HILL, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

8-16-2011
Date


FRANCINE HILL